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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,692	10/22/2003	Ahti Muhonen	042933/269767	6127

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,692	MUHONEN ET AL.	
	Examiner	Art Unit	
	Quynh H. Nguyen	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 19-24, claims the non-statutory subject matter of a computer program product. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Patent 5,450,482).

As to claims 1, 13, and 19, Chen et al. teaches the steps of:

a terminal (terminal at operator stations 120, 121) capable of sending a content status including terminal status information (col. 3, lines 48-52); and

a network entity (Fig. 1) comprising a content flow manager (dynamic table in memory 116 and administrative module 160) capable of receiving the terminal status information and server status information regarding a source of content (col. 1, lines 50-55), wherein the server status information comprises a listing of at least one piece of content available from the source (col. 1, lines 50-55), and wherein the content flow manager is capable of controlling the flow of content to the terminal based upon the terminal status information and the server status information (col. 3, lines 21-35; col. 5, lines 4-11).

As to claims 2, 8, 14, and 20, Chen et al. teaches the terminal comprises a memory (memory in terminal at operator stations 120), and the control flow manager is capable of controlling the terminal to at least one of delete at least one piece of content from the memory of the terminal, and download at least one piece of content from the source (col. 3, lines 35-68).

As to claims 3, 5, 9, 11, 15, 17, 21, and 23, Chen et al. teaches the terminal status information comprises a listing of at least one piece of content stored in the memory of the terminal (col. 1, lines 50-55), and wherein the control flow manager is capable of controlling the terminal to delete at least one piece of content from the memory of the terminal based upon the listing of at least one piece of content stored in the memory of the terminal (col. 3, lines 22-35 - *where Chen discussed determining the switch with available status by consulting a dynamic table of availability to connects a trunk to the switch, hence the unavailable or busy or blocked switch is delete from the list of available switches*).

As to claims 4, 6, 10, 12, 16, 18, 22, and 24, Chen et al. teaches the control flow manager is capable of controlling the terminal to at least one of delete at least one piece of content from the memory of the terminal, and download at least one piece of content from the source (col. 3, lines 35-68).

As to claim 7, Chen et al. teaches a terminal comprising:

a memory (memory in terminal at operator stations 120) capable of storing at least one piece of content (col. 5, lines 4-11);

a controller (administrative module 160) capable of sending a content status including terminal status information comprising a listing of at least one piece of content stored in the memory (col. 5, lines 4-11), wherein the controller is capable of sending the content request such that a network entity can receive the terminal status inquiry and control a flow of content to the terminal base upon the terminal status information (col. 3, lines 21-35; col. 5, lines 4-11).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Silver et al. (US 2004/0213207) teaches system and method for viewing contents via a computer network during a telephone call.

Lund (U.S. Patent 5,978,806) teaches method and apparatus for communicating information about a called party to a calling party.

Bateman et al. (U.S. Patent 5,884,032) teaches system for coordinating communications via customer contact channel changing system using call centre for setting up the call between customer and an available help agent.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

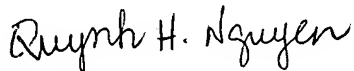
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2614

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

A handwritten signature in cursive script that reads "Quynh H. Nguyen".

Quynh H. Nguyen

March 19, 2007